

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

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Archie Bernard Malone,)	C.A. No. 6:05-1168
)	
Petitioner,)	
)	
vs.)	ORDER
)	
John LaManna, Warden, and FCI)	
Edgefield Education Department Staff)	
)	
Respondents.)	
)	

This action, seeking habeas corpus relief pursuant to Title 28, United States Code, Section 2241, was filed by *pro se* Petitioner Archie Bernard Malone (“Petitioner”). (Doc. # 1). Respondents John LaManna and FCI Edgefield Education Department Staff filed a motion to dismiss, or in the alternative, for summary judgment. (Doc. #7). As the Petitioner is proceeding *pro se*, an Order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) was issued on June 17, 2005, advising the Petitioner of the importance of the summary dismissal procedure and the possible consequences if he failed to adequately respond. (Doc. #8). The Petitioner was specifically advised that he had 34 days to respond and that if he failed to respond adequately, the Respondents’ motion may be granted, thereby ending his case. *Id.* The Petitioner responded on July 7, 2005. On November 18, 2005, the Magistrate Judge issued a Report and Recommendation in this case recommending that this action be dismissed without prejudice. (Doc. # 12). To date, the Petitioner has filed no objections to the Magistrate Judge’s Report and Recommendation. This matter is now before the Court upon the Magistrate Judge’s recommendation in his Report that this action be

dismissed without prejudice.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation, and for the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #12), and this action is dismissed without prejudice.

IT IS SO ORDERED.

Terry L. Wooten

Terry L. Wooten
United States District Judge

February 9, 2006
Florence, South Carolina